

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CV. 2924

ALADDIN ABDAL RAHIM

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

under the

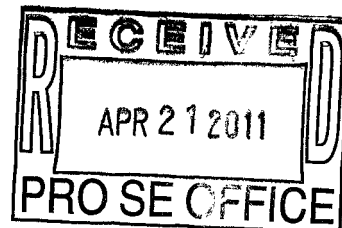
Civil Rights Act, 42 U.S.C. § 1983

-against-

NEW YORK POLICE DEPARTMENT

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

ALADDIN ABDAL RAHIM

Address

340 WEST 28TH STREET, APT #106
NEW YORK, NY 10001

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name NEW YORK CITY LAW DEPT
 Address 100 CHURCH STREET
NEW YORK, NY 10007

Defendant No. 2 Name NEW YORK POLICE DEPT
 Where Currently Employed _____
 Address 1 POLICE PLAZA
NEW YORK

Defendant No. 3 Name PO N. ALMONTE
 Where Currently Employed _____
 Address TAX #

Defendant No. 4 Name JOSEPH PO MATARAZZO Shield # 25373
 Where Currently Employed _____
 Address TAX # 948243

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. NEW YORK CITY
TRANSIT TRAIN STATION AT 8TH AVENUE AND WEST 145T.
- B. Where ON THE
"L" TRAIN PLATFORM BROOKLYN BOUND
- C. What date and approximate time did the events giving rise to your claim(s) occur? JANUARY
24, 2010 AT OR ABOUT 12:45 PM.

D.

Facts:

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

RAHIM IS A FRAIL, ELDERLY, SENIOR CITIZEN WHO WAS IN ILL HEALTH AT THE TIME OF THE INCIDENT. RAHIM WAS ON HIS WAY TO PRAYER SERVICE AT HIS HOUSE OF WORSHIP ON THIS SUNDAY AFTERNOON. THE CAR RAHIM ENTERED WAS FULLY SO RAHIM ENTERED THE NEXT CAR TO FIND A SEAT. INSTANTLY PO J. MATARASSO (SHIELD # 25373) ORDERED RAHIM OFF THE TRAIN. TOLD HIM TO TURN AROUND AND PLACED HIM IN EXCRUCIATINGLY TIGHT HANDCUFFS.

PO N. ALMONTE

MANY OTHER PASSENGERS ON THE TRAIN.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

PO MATARASSO TOLD RAHIM TO COME WITH HIM AND WHEN RAHIM DID NOT MOVE FAST ENOUGH, PULLED RAHIM'S ARM CAUSING RAHIM TO LOSE HIS BALANCE AND FOOTING AND FALL TO THE CONCRETE PLATFORM, STRIKING HIS HEAD AND SHOULDERS. AS RAHIM'S HANDS WERE TIED BEHIND HIS BACK HE COULD NOT BRAKE HIS FALL. PO MATARASSO MADE NO EFFORT TO SAVE RAHIM FROM HIS FALL. RAHIM SUFFERED A CONCUSSION AND HAD TO BE HOSPITALIZED.

IV. Exhaustion of Administrative Remedies:

RAHIM WAS THEN INCARCERATED.

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
Yes ____ No X

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?
Yes ____ No ____ Do Not Know ____

- C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?
Yes ____ No ____ Do Not Know ____

If YES, which claim(s)? _____

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?
Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

- E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

VI. Previous lawsuits:On
these
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No X

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

_____On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No X

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21 day of April, 2011.

Signature of Plaintiff

Abdullah Abdul-Nahim
340 WEST 28TH STREET
APT #106
NEW YORK, NY 10001

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____